

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claims 1-8, 11-22, 25-33, and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/60044 in view of Getty et al. (US 6,020,294). The subject matter of claim 9 has been incorporated into claim 1. The subject matter of claim 23 has been incorporated into claim 11. The subject matter of claim 34 has been incorporated into claim 33. Claims 9, 23 and 34 were not rejected over WO '044 in view of Getty. Consequently, the rejection is considered moot.

Claims 1-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Appel et al. (US 6,242,409). Applicants respectfully traverse the rejection. As admitted by the Examiner in the Office Action, Appel lacks many elements of the present invention, e.g. proportions, enzyme, stabilizer, protease species, etc. Furthermore, Appel does not appear to be citable against the present invention under 35 U.S.C. §102(e)/ §103 due to the common ownership. See attached statement.

In light of the above amendments and remarks, it is respectfully requested that the rejection be reconsidered and withdrawn and the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,


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STATEMENT OF COMMON OWNERSHIP

The present application, serial number 10/084,799 and U.S. Patent 6,242,409 were, at the time of the invention of application serial number 10/084,799 was made, owned by or subject to obligation of assignment to the same person.